

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

AS Mar 10 2017

JACKIE MARTINEZ, as Personal
Representative on behalf of the
Estate of Russell Martinez,

MATTHEW J. DYKMAN
CLERK

Plaintiff,

vs.

Civ. No. 14-534 KG/WPL

JOSEPH SALAZAR, in his individual
capacity, GREG ESPARZA, in his
individual capacity, THE ESPANOLA
DEPARTMENT OF PUBLIC SAFETY,
and THE CITY OF ESPANOLA,

Defendants.

REDACTED
SPECIAL VERDICT FORM

1. Do you find by a preponderance of the evidence that Defendant Joseph Salazar used unreasonable excessive force against Russell Martinez in violation of the Fourth Amendment to the United States Constitution?

Yes _____ No _____

2. Do you find by a preponderance of the evidence that Defendant Greg Esparza used unreasonable excessive force against Russell Martinez in violation of the Fourth Amendment to the United States Constitution?

Yes _____ No _____

3. Do you find by a preponderance of the evidence that unreasonable excessive force by either Joseph Salazar or Greg Esparza was a proximate cause of damages to Russell Martinez?

Yes _____ No _____

4. Do you find by a preponderance of the evidence that Defendants Joseph Salazar, the City of Espanola, and the Espanola Department of Public Safety committed a battery against Russell Martinez?

Yes _____

No

5. Do you find by a preponderance of the evidence that Defendants Greg Esparza, the City of Espanola, and the Espanola Department of Public Safety committed a battery against Russell Martinez?

Yes _____

No

6. Do you find by a preponderance of the evidence that a battery by either Joseph Salazar or Greg Esparza was a proximate cause of damages to Russell Martinez?

Yes _____

No

7. Do you find by a preponderance of the evidence that Defendants Joseph Salazar, the City of Espanola, and the Espanola Department of Public Safety falsely arrested Russell Martinez?

Yes _____

No

8. Do you find by a preponderance of the evidence that Defendants Greg Esparza, the City of Espanola, and the Espanola Department of Public Safety falsely arrested Russell Martinez?

Yes _____

No

9. Do you find by a preponderance of the evidence that a false arrest by either Joseph Salazar or Greg Esparza was a proximate cause of damages to Russell Martinez?

Yes _____

No

10. Do you find by a preponderance of the evidence that Defendants City of Espanola and Espanola Department of Public Safety violated Russell Martinez's rights under the Americans with Disabilities Act?

Yes _____

No

11. Do you find by a preponderance of the evidence that a violation of the Americans with Disabilities Act was a proximate cause of damages to Russell Martinez?

Yes _____

No

If your answer is "Yes" to either Question Nos. 3, 6, 9, or 11, please proceed to Question No. 12.

If your answer is "No" to Question Nos. 3, 6, 9, and 11, then you have completed the Special Verdict Form. The jury Foreperson should sign and date the Special Verdict Form on page 4, and you should notify the Court Security Officer stationed outside the jury room that you have reached a verdict. Please wait until the courtroom deputy escorts you to the courtroom.

12. In accordance with the damages instructions given by the Court, please indicate the total amount of compensatory damages, if any, that were proximately caused by the violation(s). If you find no compensatory damages are appropriate, you may enter nominal damages:

\$ _____

If you enter any amount of damages, please proceed to Question No. 13.

13. If you found that Defendant Joseph Salazar used unreasonable excessive force in violation of the Fourth Amendment to the United States Constitution, do you believe punitive damages should be awarded?

Yes _____ No _____

If your answer is "Yes," you may impose punitive damages for that violation in addition to the compensatory damages awarded above. If you decide to impose punitive damages, indicate the amount below.

Punitive damages against Defendant Joseph Salazar:

\$ _____

Please proceed to Question No. 14.

14. If you found that Defendant Greg Esparza used unreasonable excessive force in violation of the Fourth Amendment to the United States Constitution, do you believe punitive damages should be awarded?

Yes _____ No _____

If your answer is "Yes," you may impose punitive damages for that violation in addition to the compensatory damages awarded above. If you decide to impose punitive damages, indicate the amount below.

Punitive damages against Defendant Greg Esparza:

\$ _____

You have now completed this Special Verdict Form. The jury foreman should sign and date the Special Verdict Form. Please notify the Court Security Officer stationed outside the jury room that you have reached a verdict. Please wait until the courtroom deputy escorts you to the courtroom.

03-10-2017

DATE

JURY FOREPERSON